

PUBLIC NOTICE
INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

1. **File No. UGB06-001:** Proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 3.2 acres of unincorporated territory located generally at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road (formerly Tennant Avenue) (0 Piercy Road); and
2. **File No. GP06-02-02:** General Plan amendment and Urban Service Area (USA) expansion request to change the General Plan land use designation from Rural Residential (0.2 dwelling units per acre) to High Density Residential (25-50 dwelling units per acre) on approximately 3.2 acres at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road (formerly Tennant Avenue) (0 Piercy Road. Council District: 2

Approval of this UGB modification and General Plan amendment/USA expansion request would facilitate subsequent rezoning and annexation to allow urban development including extension of City services on approximately 3.2 acres.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Negative Declaration for the proposed project on **April 21, 2008**, and to provide an opportunity for public comments on the draft Negative Declaration. The public review period for this draft Negative Declaration begins on **April 1, 2008** and ends on **April 21, 2008**.

A public hearing on the project described above is tentatively scheduled for **April 21, 2008** at 6:30 p.m. before the Planning Commission and on **May 20, 2008** at 7:00 p.m. before the City Council in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Santa Teresa Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Allen Tai** at (408) 535-3555.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

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Deputy

NOTICE OF PUBLIC HEARINGS

City of San Jose, City Hall
200 East Santa Clara Street, City Council Chambers, Wing 2nd Floor

Spring 2008 Hearings on General Plan Amendments

Planning Commission: Wednesday, April 21, 2008 6:30 p.m.

City Council: Tuesday, May 20, 2008 7:00 p.m.

General Plan Amendment File No. (GP06-02-02/UGB06-001): *Proposal to change the Land Use/Transportation Diagram designation from, incorporation of 3.2 acres into the Urban Service Area, and minor modification to include the 3.2 acres within the Greenline/Urban Growth Boundary for a site located on the easterly side of Piercy Road. (Barbaccia Investments, Owner/Applicant)*

You are invited to participate in the above public hearings. The Planning Commission will make a recommendation to the City Council, and the City Council will make the final decision on the proposed General Plan amendment. Please note that the San Jose 2020 General Plan reflects the long-range future growth for the City. A change in the General Plan land use designation would only affect the type and intensity of future development allowed on the subject property. The proposed amendment to the General Plan for the above referenced property would not change the zoning district of the property. Zoning changes occur through the rezoning process, which is separate from the General Plan amendment process.

The General Plan amendment (**File No. GP 06-02-02/UGB06-001**) being considered is a request to change the Land Use/Transportation Diagram designation from Rural Residential (0.2 dwelling units per acre) to High Density Residential (25-50 dwelling units per acre) on an approximately 3.2-acre site located at the northeasterly corner of Piercy Road and Tennant Avenue. The proposal also includes a request to modify the Greenline/Urban Growth Boundary to include the subject site, as well as to expand the Urban Service Area to facilitate extension of public infrastructure and services to support future development on the site. (Barbaccia Investments, Owner/Applicant) APNs: 678-13-012. Council District: 2 SNI: None CEQA: Negative Declaration. (See explanation of General Plan designations on back.)

Comments and questions regarding this proposal or the General Plan amendment process are welcome, and should be referred to the Project Manager, **Allen Tai**, at **(408) 535-7866**. Documents for this project are on file and available for review at: **Planning, Building and Code Enforcement, 200 East Santa Clara Street, San Jose, CA 95113**. Reports and documents will also be available online at: www.sanjoseca.gov/planning/gp/staff-reports.htm one week prior to the scheduled hearing.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Jenny Nusbaum, Senior Planner

Date: _____

GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Rural Residential (0.2 dwelling units per acre) to High Density Residential (25-50 dwelling units per acre) on 3.2 acres, incorporation of 3.2 acres into the Urban Service Area, and minor modification to include the 3.2 acres within the Greenline/Urban Growth Boundary for a site located on the easterly side of Piercy Road. (Barbaccia Investments, Owner/Applicant)

General Plan Amendment and Urban Growth Boundary/Urban Service Area Expansion

Greenline/Urban Growth Boundary

The Greenline/Urban Growth Boundary (UGB) defines the maximum limit to separate urban development (such as a residential subdivision) from non-urban land uses.

Existing General Plan Designation:

Rural Residential (0.2 Dwelling Units/Acre)

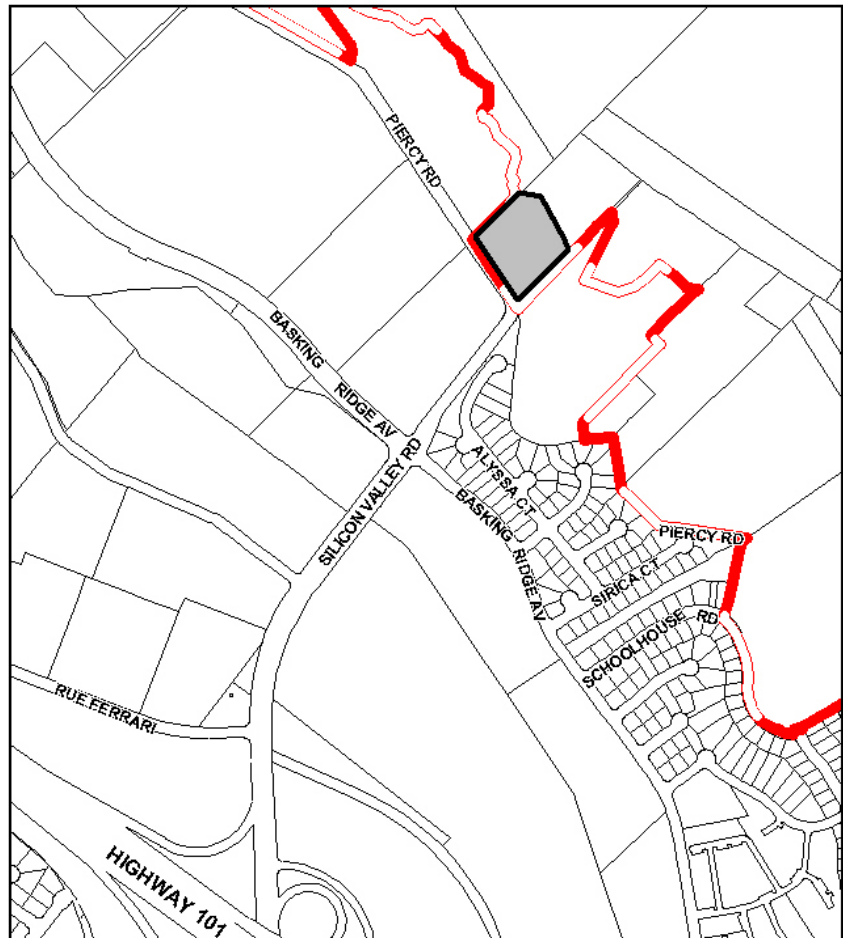
This designation is the least intensive residential use and is intended for non-urban development. It is typified by one single family dwelling per 5-acre lot. It is not expected that urban services would be extended to this area, except for emergency services. In the foothill areas, this density is intended to help mitigate the geologic conditions which would be associated with more urban development. This category can apply to lands below the 15% slope line and to areas not planned for the eventual extension of urban services.

Proposed General Plan Designation:



High Density Residential (25-50 Dwelling Units Per Acre)

This designation is typified by three- to four-story apartments or condominiums over parking. This density is planned primarily near the Downtown Core Area, near commercial centers with ready access to freeways or expressways, and in the vicinity of the rail stations within the Transit-Oriented Development Corridors Special Strategy Areas.

GP06-02-02




 Department of Planning, Building
 and Code Enforcement
 Planning Services Division

 SITE
 Urban Service Area and
 Urban Growth Boundary


 NORTH

Quad: 130

**DRAFT
NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Piercy Road General Plan Amendment and Minor Modification to the Urban Growth Boundary

PROJECT FILE NUMBER: GP06-02-02 and UGB06-001

PROJECT DESCRIPTION:

A) File No. UGB06-001: Proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 3.2 acres of unincorporated territory

B) File No. GP06-02-02: General Plan amendment and Urban Service Area (USA) expansion request to change the General Plan land use designation from Rural Residential (0.2 dwelling units per acre) to High Density Residential (25-50 dwelling units per acre) on approximately 3.2 acres.

Approval of this UGB modification and General Plan amendment/USA expansion request would facilitate subsequent rezoning and annexation to allow urban development including extension of City services on approximately 3.2 acres.

PROJECT LOCATION & ASSESSORS PARCEL NO.: 678-13-012; Located generally at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road (formerly Tennant Avenue);

COUNCIL DISTRICT: 2

APPLICANT CONTACT INFORMATION: Bryan Kientz, Barbaccia Properties Holdings, LLC.
950 South Bascom Avenue, Suite 1113 San Jose, CA 95128

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release

of this draft Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

- I. AESTHETICS** – Future development of the site is required to conform to applicable General Plan policies, the Residential Design Guidelines, and the Outdoor Lighting Policy.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – Future development of the site is required to conform to applicable General Plan policies and the City’s Grading Ordinance.
- IV. BIOLOGICAL RESOURCES** – No rare or endangered species of flora or fauna are known to inhabit the site. Future development on the site is required to conform to applicable General Plan policies and regulations (e.g. State and Federal endangered species legislation, Federal Migratory Bird Act, State Fish and Game Code).
- V. CULTURAL RESOURCES** – The project is located in an area of potential archaeological and cultural sensitivity. Prior to development on the site, a report will be required to determine potential impacts on archaeological resources and identify appropriate mitigation.
- VI. GEOLOGY AND SOILS** – The project is located in an area of potential geological sensitivity. Prior to development on the site, a geotechnical study and further field investigation will be required to demonstrate that all potential problems can be mitigated to a non-significant level.
- VII. HAZARDS AND HAZARDOUS MATERIALS** – Future development of the site is required to conform to applicable General Plan policies.
- VIII. HYDROLOGY AND WATER QUALITY** – Future development of the site is required to conform to applicable General Plan policies.
- IX. LAND USE AND PLANNING** – Future development of the site is required to conform to applicable General Plan policies (and conservation plans as appropriate).
- X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. NOISE** – Future development of the site will be required to conform to the City's General Plan noise policies and State of California Title 24, Part 2 of the Administrative Code.
- XII. POPULATION AND HOUSING** – Future development of the site is required to conform to applicable General Plan policies.
- XIII. PUBLIC SERVICES** – Future development of the site is required to conform to applicable General Plan policies, State law, and the City’s Park Impact Ordinance and/or Parkland Dedication Ordinance.

- XIV. RECREATION** – Future development of the site is required to conform to applicable General Plan policies and the City’s Park Impact Ordinance and/or Parkland Dedication Ordinance.
- XV. TRANSPORTATION / TRAFFIC** – Long-term traffic capacity is available to serve this proposal. Any future development of this site will be in conformance with the City's General Plan and Transportation Level of Service Policy.
- XVI. UTILITIES AND SERVICE SYSTEMS** – Future development of the site is required to conform to applicable General Plan policies.
- XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on _____**April 21, 2008**_____, any person may:

1. Review the Draft Negative Declaration (ND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft ND. Before the ND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft ND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final ND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: _____

Deputy

Adopted on: _____

Deputy